



Serial No. 09/891903

DAG/JP
1731
XX/6

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

Patent Application

RECEIVED

Inventor(s): Kai H. Chang
David Kalish
Thomas J. Miller

JAN 30 2004

OFFICE OF PETITIONS

Case: 2-8-23
Serial No.: 09/891,900
Filing Date: June 26, 2001
Examiner:

Group Art Unit: 1731

Title: **Method And Apparatus For Fabricating Optical Fiber Using
Adjustment of Oxygen Stoichiometry**

**ASSISTANT COMMISSIONER FOR PATENTS
ALEXANDRIA, VA 22313-1450**

SIR:

Petition To Revive Abandoned Application Under 37 CFR §1.137(b)

Response To Restriction Requirement

Enclosed is the Petition To Revive – Unintentional and Response To Restriction Requirement relating to the above-identified application.

Please charge Fitel USA Corp. **Deposit Account No. 50-2074** the amount of **\$1330.00** to cover the filing fee surcharge. Duplicate copies of this letter are enclosed.

Respectfully,
Michael A. Morra, Esq.


Michael A. Morra, Esq.
Reg. No. 28975
770-798-2040

Date: 1-22-04

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to the Assistant Commissioner of Patents, Alexandria, VA 22313-1450 on 1-22-04.


Michael A. Morra, Esq.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



FEES TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 1330.00)

Complete if Known	
Application Number	09/891/900
Filing Date	June 26, 2001
First Named Inventor	Chang
Examiner Name	Hoffmann, John M
Art Unit	1731
Attorney Docket No.	2-8-23

METHOD OF PAYMENT (check all that apply)					
<input type="checkbox"/> Check	<input type="checkbox"/> Credit card	<input type="checkbox"/> Money Order	<input type="checkbox"/> Other	<input type="checkbox"/> None	
<input checked="" type="checkbox"/> Deposit Account: Deposit Account Number: 50-2074 Deposit Account Name: Fitel USA Corp.					
The Director is authorized to: (check all that apply) <input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) or any underpayment of fee(s) <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.					

FEE CALCULATION					
1. BASIC FILING FEE					
Large Entity	Fee	Fee	Fee	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Code (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1) (\$)					

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE					
Fee from Extra Claims below Fee Paid					
Total Claims	-20** =	X	=		
Independent Claims	-3** =	X	=		
Multiple Dependent					
Large Entity	Small Entity	Fee Description			
Fee Code (\$)	Fee Code (\$)				
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2) (\$)					

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)					
3. ADDITIONAL FEES					
Large Entity Small Entity					
Fee Code (\$)	Fee (\$)	Fee Code (\$)	Fee (\$)	JAN 26 2004	Fee Description
1051	130	2051	65		Surcharge - late filing fee or oath
1052	50	2052	25		Surcharge - late provisional filing fee or cover sheet
1053	130	1053	130		Non-English specification
1812	2,520	1812	2,520		For filing a request for ex parte reexamination
1804	920*	1804	920*		Requesting publication of SIR prior to Examiner action
1805	1,840*	1805	1,840*		Requesting publication of SIR after Examiner action
1251	110	2251	55		Extension for reply within first month
1252	420	2252	210		Extension for reply within second month
1253	950	2253	475		Extension for reply within third month
1254	1,480	2254	740		Extension for reply within fourth month
1255	2,010	2255	1,005		Extension for reply within fifth month
1401	330	2401	165		Notice of Appeal
1402	330	2402	165		Filing a brief in support of an appeal
1403	290	2403	145		Request for oral hearing
1451	1,510	1451	1,510		Petition to institute a public use proceeding
1452	110	2452	55		Petition to revive - unavoidable
1453	1,330	2453	665		Petition to revive - unintentional
1501	1,330	2501	665		Utility issue fee (or reissue)
1502	480	2502	240		Design issue fee
1503	640	2503	320		Plant issue fee
1460	130	1460	130		Petitions to the Commissioner
1807	50	1807	50		Processing fee under 37 CFR 1.17(q)
1806	180	1806	180		Submission of Information Disclosure Stmt
8021	40	8021	40		Recording each patent assignment per property (times number of properties)
1809	770	2809	385		Filing a submission after final rejection (37 CFR 1.129(a))
1810	770	2810	385		For each additional invention to be examined (37 CFR 1.129(b))
1801	770	2801	385		Request for Continued Examination (RCE)
1802	900	1802	900		Request for expedited examination of a design application
Other fee (specify)					
*Reduced by Basic Filing Fee Paid					SUBTOTAL (3) (\$ 1330.00)

SUBMITTED BY					
Name (Print/Type)	Michael A. Moran	Registration No. (Attorney/Agent)	28,975	Telephone	770-798-2040
Signature	<i>Michael A. Moran</i>			Date	1-22-04

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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PATENT AND TRADEMARK OFFICE

X 8

Patent Application

Inventor: Kai H. Chang
David Kalish
Thomas J. Miller

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Title: Method And Apparatus For Fabricating Optical Fiber Using
Adjustment Of Oxygen Stoichiometry

ASSISTANT COMMISSIONER FOR PATENTS
ALEXANDRIA, VA 22313-1450

SIR:

PETITION TO REVIVE ABANDONED APPLICATION
UNDER 37 CFR §1.137(b)

This is a petition under 37 CFR 1.137(b) to revive an abandoned application where the delay in reply was unintentional.

The applicants received a restriction requirement dated December 3, 2003. The restriction requirement was received in the Holmdel, New Jersey office of the Docket Administrator of Lucent Technologies Inc. and dated-stamped on December 9, 2003. Lucent Technologies Inc. is the former assignee of the instant invention and former employer of the applicants. However, the restriction requirement was not received by the Norcross, Georgia office of Fitel USA Corp., the current assignee of the instant invention, until after January 3, 2004. The application went abandoned January 3, 2004, which date is 1 month from the date of the restriction requirement.

The applicants intended to continue the prosecution of the instant case by filing a response to the restriction requirement in a timely manner, which

response would have been timely if filed before January 3, 2004. Had the applicant's attorney received the restriction requirement prior to the date of abandonment, a timely response would have been filed. The response to the restriction requirement, along with a change of correspondence address, is included herewith.

The applicants respectfully request that the application be revived and that prosecution continue with the response to the restriction requirement filed herewith.

Please charge Deposit Account No. 50-2074 in the amount of \$1330.00 to cover the cost of the petition fee as set forth in 37 CFR 1.17(m). Any deficiency or overpayment should be charged or credited to Account No. 50-2074.

Should the Examiner have further questions or comments with respect to examination of the case, it is respectfully requested the Examiner telephone the undersigned attorney so that further examination of this application can be expedited.

Respectfully submitted,

Kai H. Chang
David Kalish
Thomas John Miller

By:



Michael A. Morra, Attorney
Reg. No. 28975
(770) 798-2040

Date: 1-22-04

**Fitel USA Corp.
Docket Administrator
2000 Northeast Expressway
Suite 2H02
Norcross, GA 30071-2906**